

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 19677 of 2007(P)

PETITIONER:

**B.S.BHASI, UNIVERSAL BUILDING, NEAR
PRESS CLUB ROAD, TRIVANDRUM - 695 001.**

**BY ADV. SRI.NAGARAJ NARAYANAN
SRI.NEMON V.SANJEEV
SRI.SAIJO HASSAN
SRI.A.S.SABU**

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.**
- 3. THE SPECIAL THASILDAR,
ADDL.LAND ACQUISITION UNIT,
VANCHIYOOR P.O.,
THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SMT. LATHA THANKAPPAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

M.SASIDHARAN NAMBIAR, J.

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W.P.(C) NO.19677 OF 2007

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Dated this the 25th day of July, 2007

JUDGMENT

This petition is filed under Article 226 of Constitution of India for a writ of mandamus directing third respondent to consider Exts.P3 and P4 objections and to pass fresh award in respect of the acquisition made for widening Vanross-Oottukuzhi Secretariat road as per Notification dated 21.5.2005. Case of petitioner is that he had filed Exts.P3 and P4 objections with regard to the acquisition disputing the actual extent proposed to be acquired as well as the survey number and those objections were not considered while passing Ext.P5 award and therefore third respondent is directed to consider Exts.P3 and P4 objections and pass fresh award. Though respondents were directed to file counter affidavit, no counter affidavit was filed inspite of several opportunities granted.

2. Learned counsel appearing for petitioner and learned Government pleader were heard.

3. As per Ext.P5 award was dated on 31.10.2006 compensation payable was fixed for the acquired properties showing the extent of the properties acquired and the survey number. In the light of Ext.P5 award, third respondent cannot be directed to pass a fresh award after considering Exts.P3 and P4. Petitioner is at liberty to raise the plea raised herein before the court when a reference is made under section 18 of Land Acquisition Act. Learned counsel appearing for petitioner then submitted that copy of the award was not served on him, and he could get the particulars of the award only when officials came to demolish the building and he was prevented from making an application for reference under section 18 of Land Acquisition Act within time and therefore at this stage he may not be in a position to file an application for reference. In the light of the said submission

petitioner is granted 10 days time from this day to file an application before third respondent for a reference under section 18 of the Land Acquisition Act. If such an application is filed, it is to be treated as an application submitted within time and shall pass appropriate order in accordance with law.

Writ Petition is disposed of as above.

M.SASIDHARAN NAMBIAR
JUDGE

tpl/-

M.SASIDHARAN NAMBIAR, J.

W.P.(C).NO. /06

JUDGMENT

SEPTEMBER,2006